IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND
THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 796 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/03/2005 in W.P.No.4075 of 2005 on the file of the High Court.)

Between:

R. Sudhakar Reddy S/o Narasireddy
Primary Agriculture Co-operative Society, Mamidipally, Saroornagar

(M), Ranga Reddy District, R/o H. No. 17-1-473/28/B, Krishna Nagar,

Saidabad, Colony, Hyderabad- 500 029

..... APPELLANT

AND

1 The Divisional Co-operative Officer, Hyderabad East, Ranga

Reddy District
2 The Manager-cum-Person In charge, Primary Agriculture

Cooperative Society, Mamidipally, Saroornagar Mandal, Ranga

Reddy District

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following

JUDGMENT: (per the Hon'ble Smt. Justice T. Meena Kumari)

Assailing the order, dated 03.03.2005, in W.P.No.4075 of 2005, the appellant filed this writ appeal.

The appellant is the writ petitioner. He was placed under suspension, through proceedings, dated 02.02.2005, of the second respondent with immediate effect pending disciplinary action against him, on the ground that he misappropriated an amount of Rs.1.58 lacs. Challenging the said proceedings, he filed the writ petition. The learned Single Judge came to the conclusion that the subsequent payment of amount does not relieve the appellant of the disciplinary action that may be taken against him and accordingly disposed of the writ petition, through the order under appeal, directing the respondents to pay the subsistence allowance as per the byelaws, rules and regulations of the Society.

Heard the learned counsel for the appellant and the learned Government Pleader for Cooperation.

The learned counsel for the appellant contends that the appellant has already deposited the amount of Rs.97,000/- and apart from that, if the salary that is

due to be paid to him for the past ten months, adds to the said sum, it will exceed Rs.1,57,667/- and in view of the same, the learned single Judge ought to have held that the order of suspension passed is illegal.

We have perused the order impugned and the material available on record. It goes to show that the present writ petition is filed against the order of suspension, pending enquiry. Admittedly, the enquiry is pending against the appellant. In that view of the matter, the question as to whether the appellant has paid the amount in question and if the same is included to the amount of salary due to be paid to him, it can be considered to clear off the difference of recoveries, for which he is facing enquiry, cannot be decided at this stage in as much as it is the subject matter to be decided during the course of the enquiry. We are, therefore, of the view that subsequent payments made by the appellant, after initiation of the enquiry, do not, in any way, relieve him from the disciplinary action, as rightly observed by the learned single Judge. Under the above circumstances, we do not find any reason to interfere with the order impugned.

The writ appeal is accordingly dismissed.

At this stage, it is submitted by the learned counsel for the appellant that liberty may be given to the appellant to make appropriate representation before the authorities concerned with regard to the refund of the amount of Rs.98,000/- already deposited by him. Liberty is granted. It is also made clear that the respondents shall proceed with the enquiry, as expeditiously as possible.

(T. MEENA KUMARI.J)

(L. NARASIMHA REDDY.J)

11.04.2005

ksld

To

1 The Divisional Co-operative Officer, Hyderabad East, Ranga

Reddy District

2 The Manager-cum-Person In charge, Primary Agriculture

Cooperative Society, Mamidipally, Saroornagar Mandal, Ranga

Reddy District

3 2 CCs. to the G.P. for Cooperation, High Court of A.P., Hyderabad

(OUT)

4 Two CD copies.

*Form-NIC-OGS/WA {**TRT**}*